UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,673	02/07/2002	Michael Cronin	M. CRONIN 1-1-1-1-1	4027

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EXAMINER
KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>05 May 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 April 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
                                                 Paper No(s)/Mail Date. _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   6)☐ Other: _____ .
    Paper No(s)/Mail Date _____ .

DETAILED ACTION

Response to Amendment

1. This office action is in response to Amendment filed on 11/15/04.

- Claims 3-12, 14-20 are in the original form.

- Claims 1, 2, 13, 21-24 are amended.

- Claims 1-25 are pending and are examined in the instant office action.

Response to Arguments

2. Applicant's arguments filed 1-5, 9-10, 13-18 have been fully considered but they are not persuasive.

Regarding claims 1-5, 9-10, 13-18, Halonen teaches run-time software configured-to cooperate with said external data source to determine said downloaded data (Col.5;35-46,The download control program, i.e. run-time software, downloads data from the BMI, i.e. external data source, which is determined to be the new program version).

3. Applicant's arguments with respect to claims 6-8, 11, 12, 19, 20 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to claims 21-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 10, 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by

Halonen (U.S. Patent 5887254).

Regarding **Claim 1 and Claim 13**, Halonen teaches run-time software

configured-to cooperate with said external data source to determine said

downloaded data (Col.5;35-46, The download control program, i.e. run-time

software, downloads data from the BMI, external data source, which is

determined to be the new program version).

Regarding **Claim 2**, Halonen teaches all the limitations as recited in claim

1, and Halonen further teaches run-time software is pre-stored in said digital

memory (Col.5;35-40).

Regarding **Claim 3, 14 ,and 17**, Halonen teaches all the limitations as

recited in claim 1, 13, and 13, respectively, and Halonen further teaches the

external data source is a base transceiving station of a mobile communication

system (Fig.2;30).

Regarding **Claim 4 and Claim 18**, Halonen teaches all the limitations as

recited in claim 1 and claim 13, respectively, and Halonen further teaches an

interface for an exchange of said digital data with external digital devices

(Fig.2;12, antenna is an interface for wirelessly exchanging digital data with external digital devices).

Regarding **Claim 10**, Halonen teaches all the limitations as recited in claim 1, and Halonen further teaches the digital memory includes an electrically erasable programmable read-only memory (EEPROM) (Col.3;55-60).

Regarding **Claim 15 and Claim 16**, Halonen teaches all the limitations as recited in claim 13, and Halonen further teaches the mobile communication system is a Global System for Mobile Communications (GSM) communication system (Col.3;25) or a Universal Mobile Telecommunications System (UMTS) Code Division Multiple Access (CDMA) communication system (Col.3;25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 5 and Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halonen (U.S. Patent 5887254) in view of Hall et al (U.S. Pub. 2001/0012281).

Regarding **Claim 5**, Halonen teaches all the limitations as recited in claim 4, however he **is silent on** said external digital devices being a personal computer.

Hall teaches an external digital device being a personal computer (Fig.1;24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Halonen, such that the mobile phone has an interface for exchanging data with a personal computer, to provide a method for the user to readily obtain the services desired, and also customize the display and "look and feel" of the mobile phone.

Regarding **Claim 11**, Halonen teaches all the limitations as recited in claim 1, however Halonen is silent on the mobile phone comprising an internet interface for exchanging data with an Internet service provider.

Hall teaches a mobile phone comprising an interface (Fig.1;12, antenna is the interface) capable of downloading applications (Par.13;10-16) stored in a database associated with an ISP (Col.14;18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Halonen, such that the mobile phone has an interface for exchanging data with an internet service provider, such that the mobile phone can download applications from an ISP to customize the display and "look and feel" of the mobile phone.

3. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Halonen (U.S. Patent 5887254) in view of Valentine et al (U.S. Patent 6018654).

Regarding **Claim 9**, Halonen teaches a mobile phone comprising a

loudspeaker and an electronic circuitry connected thereto for driving said

loudspeaker (Fig.1;17 and Fig.1;18), however Halonen **is silent on** said

downloaded data comprising melodies, speech messages or acoustic signals

associated with functions of said mobile phone.

Valentine teaches the downloaded data to include tones, i.e. melodies,

associated with functions of the phone (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Halonen, such that the downloaded data includes

melodies, to provide an individual to select and download new tones to be used

for different call scenarios.

4. Claims 7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Halonen (U.S. Patent 5887254) in view of Peltonen (U.S. Patent 6393274).

Regarding **Claim 7, 12, and 20**, Halonen teaches all the limitations as recited

in claims 1, 1, and 13, respectively, and Halonen further teaches a main display

including at least a section where menus are displayed (Fig.1;20), however Halonen

is silent on said menus being provided by said downloaded data.

Peltonen teaches menus can be factory installed but more menus can be

downloaded from a computer or internet site (Col.7;40-53).

It would have been obvious to one of ordinary skill in the art to modify

Halonen, such that the menus displayed in the main display are provided by

downloaded data, to provide the user with an option to customize the "look and feel" of his/her mobile unit.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halonen (U.S. Patent 5887254) and Peltonen (U.S. Patent 6393274) in further view of Goldstein (U.S. Patent 5410326).

Regarding **Claim 8**, Halonen and Peltonen teach all the limitations as recited in claim 7, however the combination **is silent on** said main display shows icons having associated functionality on a touch-screen area thereof wherein said icons and said associated functionality is provided by said downloaded data.

Goldstein teaches of a remote control with a touch screen display displaying icons of functions to be selected (Abstract;5-10) and Goldstein also teaches of downloading, the icons for whose services have been paid for, to the remote control (Col.18;19-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Halonen and Peltonen, such that the main display of the mobile phone shows icons having associated functionality on a touch-screen area where said associated functionality is provided by said downloaded data, to provide the user with an option to customize the "look and feel" of his/her mobile unit.

6. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Halonen (U.S.

Patent 5887254) in view of Shaffer et al (U.S. Patent 5940483).

Regarding **Claim 6**, Halonen teaches all the limitations as recited in claims

1, however Halonen **is silent on** the keyboard including at least a section

wherein a layout thereof is defined by said downloaded data.

Shaffer et al teaches of key-map data entered into memory of a terminal,

where the key-map constitutes a correlation between certain features and feature

keys associated with the terminal (Abstract;1-12).

It would have been obvious to one of ordinary skill in the art to modify

Halonen, to download a key-map where the layout of a least a section of the

keyboard is defined by the said downloaded data, to provide a means for the

user to give different keys on the keyboard a different associated functionality.

7. Claim 21-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al

(U.S. Pub. 2001/0012281) in view of Halonen (U.S. Patent 5887254).

Regarding **Claim 21**, Hall et al teaches a system for configuring a mobile

phone, comprising: an external data source (Fig.1;22); an end user tool that

facilitates a transfer of downloaded data with executable software to said mobile

phone from said external data source (Par.13); a mobile phone for exchanging

digital data with an external source (Par.13), however Hall **is silent on** a mobile

phone, including an interface unit configured to exchange digital data with said

external data source; a digital memory for storing said digital data including said

downloaded data with said executable software from said external data source; and run-time software configured to cooperate with said external data source to determine said downloaded data.

Halonen teaches a mobile phone, including an interface unit (Fig.2;12) configured to exchange digital data with said external data source (Fig.2;32); a digital memory for storing said digital data including said downloaded data with said executable software from said external data source (Col.4;47-Col.5;12, the data is downloaded from BMI(32) into memory(24c)); and run-time software (Col.3;50-55, operating program is run-time software) configured to cooperate with said external data source to determine said downloaded data (Col.4;50-55, the mobile terminal run by the operating program receives a message from the BMI(32) that a download is to occur (allows the mobile to determine the downloaded data)).

It would have been obvious to one skilled in the art at the time of the invention to modify Hall, such that a user end tool facilitates a transfer of downloaded data with executable software to a mobile phone from an external data source, to provide a method for users to conveniently view and obtain the exact service they desire for their mobile phones.

Regarding **Claim 22**, the combination as discussed above teach all the limitations as recited in claim 21, and Hall further teaches the end user tool to include a Resource Editor (Par.15).

Regarding **Claim 23**, , the combination as discussed above teach all the

limitations as recited in claim 21, and Halonen further teaches said external

source is configured to download data employing a layered approach (Col.4;50-

52, only new or revised programs are downloaded, i.e. layered).

Regarding **Claim 24**, the combination as discussed above teach all the

limitations as recited in claim 21, and Halonen further teaches a run-time

software (Col.3;50-55, operating program) including a Resource Loader

(Col.5;35-40, download control program), however Halonen is silent on the

Resource Loader is configured to determine a compatibility of said downloaded

data and said run-time software

Halonen teaches that a given operating program will typically be specific

to a particular type of mobile terminal (Col.6;31-34) so one of ordinary skill in the

art would find it obvious that the download control program would make sure to

download data compatible with the current run-time software so that the mobile

phone would run properly with the newly downloaded data and not crash the run-

time software of the mobile phone.

Regarding **Claim 25**, the combination as discussed above teach all the

limitations as recited in claim 21, and Hall further teaches the end user tool is run

via the Web (Par.14).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wesley L Kim whose telephone number is 571-272-

7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reached on 571-272-7872. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

WLK

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